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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,814	09/13/2000	Donald F. Jemella	P/2167-252	8170

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EXAMINER
SHIH, SALLY

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/660,814	JEMELLA ET AL.
	Examiner	Art Unit
	Sally Shih	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _13 September 2000_ .
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-42_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-42_ is/are rejected.
7) ☒ Claim(s) _37_ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
     If approved, corrected drawings are required in reply to this Office action.
12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.
14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
     a) ☐ The translation of the foreign language provisional application has been received.
15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1.   This application has been reviewed. Original claims 1-42 are pending. The rejections

cited are as stated below:

Claim Objections

2.   Claim 37 is objected to because of the following informalities: Claim 37 refers to claim

2. However, it appears that it is a typographic error. Claim 37 appears to be a dependent claim

of claim 12 instead of claim 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Remington et al.
(United States Patent Number 6,070,150).

Claim 1.   Remington et al. discloses an apparatus for providing a customer with an
opportunity to request an adjustment to said customer's account, comprising:

a network interface being operable to send and receive data over an electronic network
(Abstract and Fig. 4-6);

a service charge adjustment system coupled to the network interface (Abstract and Fig. 4-
6), the service charge adjustment system being operable to perform at least the functions
of receiving a request from the customer to make an adjustment to the account (Abstract
and Fig. 4-7);

delivering the request to an automated interface (Abstract and Fig. 6-9);

acting on the request using the automated interface (Abstract and Fig. 6-9); and

presenting the customer with a response to the request (Abstract and Fig. 8-9).

Claim 2.   Remington et al. discloses the apparatus of claim 1, wherein the automated
interface is operable to perform at least the functions of

retrieving at least one business rule from a business rules database (Abstract, column 10,
lines 60-67 and column 11, lines 1-5); and

applying the at least one business rule to arrive at a decision regarding the request
(Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 3.   Remington et al. discloses the apparatus of claim 1, wherein the network interface

is further operable to perform the function of maintaining an electronic site on the electronic

network to which the customer may connect (Abstract, Fig. 4 and column 7, lines 19-27).

Claim 4.   Remington et al. discloses the apparatus of claim 3, wherein the network interface

is further operable to perform the function of presenting at least a first electronic screen over the

electronic network to the customer who has connected to the electronic site (Abstract, Fig. 4 and

column 8, lines 33-50).

Claim 5.   Remington et al. discloses the apparatus of claim 1, wherein the automated

interface is further operable to perform the functions of requesting at least a first customer

information ; and validating the first customer information (Abstract and column 8, lines 7-32).

Claim 6.   Remington et al. discloses the apparatus of claim 5, wherein the first customer

information includes at least the following:

        a user name (Fig. 7-9 and column 10, lines 17-33); and

        a password (Fig. 7-9 and column 10, lines 17-33).

Claim 7.   Remington et al. discloses the apparatus of claim 6, wherein the first customer

information also includes at least the following:

        name and address of the customer (Fig. 7-9 and column 10, lines 17-33); and

        date of service charge transaction (Fig. 7-9 and column 10, lines 17-33).

Claim 8.   The apparatus of claim 2, wherein the decision is one of the following:

        granting an adjustment request;

        denying an adjustment request; and

        referring a request to an external system for further consideration.

Claim 9.   Remington et al. discloses the apparatus of claim 8, wherein said automated interface is operable to perform at least one of the following:

validating the existence of a service charge (Abstract, column 10, lines 60-67 and column 11, lines 1-16);

determining the cost-effectiveness of granting the request (Abstract, column 10, lines 60-67 and column 11, lines 1-16);

checking to see if the customer has a special status; determining if a bank error has occurred (Abstract, column 10, lines 60-67 and column 11, lines 1-16);

checking to see if the customer is a high value customer(Abstract, column 10, lines 60-67 and column 11, lines 1-16);

rating the profitability of granting the request (Abstract, column 10, lines 60-67 and column 11, lines 1-16);

checking to see if the customer has made at least a predetermined number of previous requests (Abstract, column 10, lines 60-67 and column 11, lines 1-16);

ascertaining if the customer has been granted at least one courtesy adjustment(Abstract, column 10, lines 60-67 and column 11, lines 1-16) ; and

determining if the request is justified (Abstract, column 10, lines 60-67 and column 11, lines 1-16).

Claim 10.   Remington et al. discloses the apparatus of claim 9, wherein, if the service charge is invalid, including the step of denying said adjustment request (Abstract, column 10, lines 60-67 and column 11, lines 1-16).

Claim 11.   Remington et al. discloses a method of providing a customer with an opportunity

to electronically request an adjustment to the customer's account comprising the steps of

(a)   maintaining an electronic site on a network to which the customer may connect

(Abstract, Fig. 4 & 6 and column 7, lines 19-21);

(b)   presenting at least one electronic screen over the network to the customer who has

connected to the electronic site, the one screen including a first input field operable to

receive a first command from the customer indicative of the o request for an adjustment

to the customer's account (Abstract and Fig. 7-9);

(c)   electronically delivering the first command to an automated - interface which

converts a format of the first command to another format for allowing the automated

interface to act on the request (Abstract and Fig. 7-9); and

(d)   presenting a decision concerning the request (Abstract, column 10, lines 60-67

and column 11, lines 1-5).

Claim 12.   A Remington et al. discloses a method of providing a customer with an

opportunity to request an adjustment to the customer's account comprising the steps of

(a)   receiving a request from the customer to make an adjustment

to the account (Abstract, column 10, lines 60-67 and column 11, lines 1-5);

(b)   delivering the request to an automated interface (Abstract, column 10, lines 60-67

and column 11, lines 1-5);

(c)   acting on the request using the automated interface (Abstract, column 10, lines 60-67 and column 11, lines 1-5); and

(d)   presenting the customer with a response to the request (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 13.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 12 further comprising the steps of maintaining an electronic site on a computer network to which the customer may connect (Abstract, Fig. 4 & 6 and column 7, lines 19-21).

Claim 14.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 13 further comprising the steps of presenting at least one electronic screen over the network to the customer who has connected to the electronic site, at least one screen including at least a first input field operable to receive the request from the customer (Abstract and column 10, lines 60-67).

Claim 15.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 12, wherein the request is made across a computer network (Abstract, Fig. 4 & 6 and column 10, lines 60-67).

Claim 16.   A method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 13 wherein the computer network is the Internet (Abstract, Fig. 4 & 6 and column 10, lines 60-67).

Claim 17.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 12 wherein the request is

received by facsimile (Abstract and column 7, line 19).

Claim 18.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 12 wherein the request is

delivered by mail (Abstract).

Claim 19.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 12 wherein the request is

delivered by contact with a customer service representative (Abstract).

Claim 20.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 19 wherein the contact is

made over a communication network (Abstract and column 7, line 19).

Claim 21.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 20 wherein the

communication network is a telephone system (Abstract, Fig. 4 and column 7, line 19).

Claim 22.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 20 wherein the

communication network is the Internet (Abstract, Fig. 4 and column 7, lines 19-21).

Claim 23.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 19 wherein the contact is

made directly in person with the customer service representative (Abstract).

Claim 24.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer account according to claim 12 wherein the automated interface converts a first format of the adjustment request to at least a second format for use within the automated interface (Abstract and Fig. 7-9).

Claim 25.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 13 wherein the electronic site is a website (Abstract, Fig. 4 and column 7, line 19).

Claim 26.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 25 wherein the website is hosted in a shared operating environment (Abstract, Fig. 4 and column 7, lines 19-22).

Claim 27.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 12 wherein the automated interface establishes a record of the request (Abstract, Fig. 4-9 and column 19, lines 12-34).

Claim 28.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 12 wherein the automated interface initiates research to determine the validity of the request (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 29.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 12 wherein the response to the request is a refund (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 30.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 12 wherein the response to

the request is a denial (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 31.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 12 wherein the response to

the request is a referral for further consideration (Abstract, column 10, lines 60-67 and column

11, lines 1-5).

Claim 32.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 31, wherein the referral for

further consideration includes an estimate on when a final decision will be made (Abstract,

column 10, lines 60-67 and column 11, lines 1-5).

Claim 33.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 12 wherein the automated

interface utilizes a predetermined rules algorithm to determine the response to the request

(Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 34.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 33 wherein the

predetermined rules algorithm includes sending the request for additional processing when

predetermined criteria are met (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 35.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 34, wherein the additional

processing includes human intervention (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 36.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 12, wherein the automated interface automatically approves the request of a high value customer (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 37.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim **12**, wherein the automated interface checks the request for fraud using a fraud detecting algorithm (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 38.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 12, wherein the automated interface checks the request for employee misconduct (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 39.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 12, wherein the automated interface checks the request for an excessive request history of the customer according to a predefined criteria (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 40.   Remington et al. discloses a method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 29, wherein the refund is made automatically to the customer by electronically crediting the account (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Claim 41.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account comprising the steps of

(a)   maintaining an electronic site on a computer network to which the customer may

connect (Abstract, Fig. 4 & 6 and column 7, lines 19-21);

(b)   presenting at least one electronic screen over the network to the customer who has

connected to the electronic site, the at least one screen including at least a first input field

operable to receive the adjustment request from the customer (Abstract and Fig. 7-9);

(c)   delivering said adjustment request to an automated interface(Abstract, column 10,

lines 60-67 and column 11, lines 1-5);

(d)   acting on the request using the automated interface (Abstract, column 10, lines

60-67 and column 11, lines 1-5); and

(e)   presenting said customer with a decision on said adjustment request (Abstract,

column 10, lines 60-67 and column 11, lines 1-5).

Claim 42.   Remington et al. discloses a method of providing a customer with an opportunity

to request an adjustment to the customer's account according to claim 41, wherein the step of

acting on the request includes the following:

retrieving at least one business rule from a business rules database(Abstract, column 10,

lines 60-67 and column 11, lines 1-5);

applying the at least one business rule to the request (Abstract, column 10, lines 60-67

and column 11, lines 1-5); and

arriving at the decision on the request (Abstract, column 10, lines 60-67 and column 11, lines 1-5).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,297,026, USPN 5,477,040, USPN 6,047,267, USPN 6,327,570 B1, USPN 6,374,230 B1, USPN 6,493,680 B2 and JP02000231668A are cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7658 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys
February 23, 2003

HANI M. KAZIMI
PRIMARY EXAMINER